

Introduced by Senator Huff

February 21, 2014

An act to amend Sections 9050, 9051, 9053, 9086, 9087, 13262, 13282, and 18602 of the Elections Code, and to amend Section 88002 of the Government Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1294, as introduced, Huff. Elections: ballot titles and summaries.

Existing law requires the Attorney General to provide a ballot label and a ballot title for each measure to be submitted to the voters at a statewide election. Existing law requires the Attorney General to prepare a summary of the chief purposes and points of each statewide ballot measure as part of the ballot title. Existing law, including provisions of the Political Reform Act of 1974, requires that the ballot pamphlet contain, among other things, the official summary prepared by the Attorney General.

This bill would require the Legislative Analyst, instead of the Attorney General, to prepare the ballot label and the ballot title and summary for all measures submitted to the voters of the state.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 9050 of the Elections Code is amended to read:

9050. After the Secretary of State determines that a measure will appear on the ballot at the next statewide election, the Secretary of State shall promptly transmit a copy of the measure to the ~~Attorney General~~ *Legislative Analyst*. ~~The Attorney General~~ *Legislative Analyst* shall provide and return to the Secretary of State a ballot title and summary and ballot label for *the measure*. *The Legislative Analyst shall prepare a ballot title and summary and ballot label for each measure submitted to the voters of the whole state by a date sufficient to meet the ballot pamphlet public display deadlines.*

SEC. 2. Section 9051 of the Elections Code is amended to read:

9051. (a) (1) The ballot title and summary may differ from the legislative, circulating, or other title and summary of the measure and shall not exceed 100 words, not including the fiscal impact.

(2) The ballot title and summary shall be amended to include a summary of the Legislative Analyst's estimate of the net state and local government fiscal impact prepared pursuant to Section 9087; *of this code* and Section 88003 of the Government Code.

(b) The ballot label shall *not* contain ~~no~~ more than 75 words and shall be a condensed version of the ballot title and summary including the financial impact summary prepared pursuant to Section 9087 *of this code* and Section 88003 of the Government Code.

(c) ~~In providing~~ *preparing* the ballot title and summary, the ~~Attorney General~~ *Legislative Analyst* shall give a true and impartial statement of the purpose of the measure in such language that the ballot title and summary shall neither be an argument, nor be likely to create prejudice, for or against the proposed measure.

SEC. 3. Section 9053 of the Elections Code is amended to read:

9053. ~~Each~~ A measure shall be designated on the ballot by the ballot label certified to the Secretary of State by the ~~Attorney General~~ *Legislative Analyst*.

SEC. 4. Section 9086 of the Elections Code is amended to read:

1 9086. The ballot pamphlet shall contain as to each state measure
2 to be voted upon, the following, in the order set forth in this
3 section:

4 (a) (1) Upon the top portion of the first page, and not exceeding
5 one-third of the page, shall appear:

6 (A) Identification of the measure by number and title.

7 (B) The official summary prepared by the ~~Attorney General~~
8 *Legislative Analyst*.

9 (C) The total number of votes cast for and against the measure
10 in both the State Senate and Assembly, if the measure was passed
11 by the Legislature.

12 (2) The space in the title and summary that is used for an
13 explanatory table prepared pursuant to paragraph (2) of subdivision
14 (e) of Section 9087 *of this code* and Section 88003 of the
15 Government Code shall not be included when measuring the
16 amount of space the information described in paragraph (1) has
17 taken for purposes of determining compliance with the restriction
18 prohibiting the information described in paragraph (1) from
19 exceeding one-third of the page.

20 (b) Beginning at the top of the right page shall appear the
21 analysis prepared by the Legislative Analyst, provided that the
22 analysis fits on a single page. If it does not fit on a single page,
23 the analysis shall begin on the lower portion of the first left page
24 and shall continue on subsequent pages until it is completed.

25 (c) Arguments for and against the measure shall be placed on
26 the next left and right pages, respectively, following the final page
27 of the analysis of the Legislative Analyst. The rebuttals shall be
28 placed immediately below the arguments.

29 (d) If no argument against the measure has been submitted, the
30 argument for the measure shall appear on the right page facing the
31 analysis.

32 (e) The complete text of each measure shall appear at the back
33 of the pamphlet. The text of the measure shall contain the
34 provisions of the proposed measure and the existing provisions of
35 law repealed or revised by the measure. The provisions of the
36 proposed measure differing from the existing provisions of law
37 affected shall be distinguished in print, so as to facilitate
38 comparison.

39 (f) The following statement shall be printed at the bottom of
40 each page where arguments appear: "Arguments printed on this

1 page are the opinions of the authors, and have not been checked
2 for accuracy by any official agency.”

3 SEC. 5. Section 9087 of the Elections Code is amended to read:

4 9087. (a) The Legislative Analyst shall prepare an impartial
5 analysis of the measure describing the measure and including a
6 fiscal analysis of the measure showing the amount of any increase
7 or decrease in revenue or cost to state or local government. If it is
8 estimated that a measure would result in increased cost to the state,
9 an analysis of the measure’s estimated impact on the state shall be
10 provided, including an estimate of the percentage of the General
11 Fund that would be expended due to the measure, using visual aids
12 when appropriate. An estimate of increased cost to the state or
13 local governments shall be set out in boldface print in the ballot
14 pamphlet.

15 (b) The analysis shall be written in clear and concise terms, so
16 as to be easily understood by the average voter, and shall avoid
17 the use of technical terms wherever possible. The analysis may
18 contain background information, including the effect of the
19 measure on existing law and the effect of enacted legislation which
20 will become effective if the measure is adopted, and shall generally
21 set forth in an impartial manner the information the average voter
22 needs to adequately understand the measure. To the extent
23 practicable, the Legislative Analyst shall ~~utilize~~ *use* a uniform
24 method in each analysis to describe the estimated increase or
25 decrease in revenue or cost of a measure, so that the average voter
26 may draw comparisons among the fiscal impacts of measures. The
27 condensed statement of the fiscal impact summary for the measure
28 prepared by the ~~Attorney General~~ *Legislative Analyst* to appear
29 on the ballot shall contain the uniform estimate of increase or
30 decrease in revenue or cost of the measure prepared pursuant to
31 this subdivision.

32 (c) The Legislative Analyst may contract with a professional
33 writer, educational specialist, or another person for assistance in
34 writing an analysis that fulfills the requirements of this section,
35 including the requirement that the analysis be written so that it
36 will be easily understood by the average voter. The Legislative
37 Analyst may also request the assistance of a state department,
38 agency, or official in preparing his or her analysis.

39 (d) ~~Prior to~~ *Before* submitting the analysis to the Secretary of
40 State, the Legislative Analyst shall submit the analysis to a

1 committee of five persons, appointed by the Legislative Analyst,
2 for the purpose of reviewing the analysis to confirm its clarity and
3 easy comprehension to the average voter. The committee shall be
4 drawn from the public at large, and one member shall be a
5 specialist in education, one member shall be bilingual, and one
6 member shall be a professional writer. Members of the committee
7 shall be reimbursed for reasonable and necessary expenses incurred
8 in performing their duties. Within five days of the submission of
9 the analysis to the committee, the committee shall make
10 recommendations to the Legislative Analyst as it deems appropriate
11 to guarantee that the analysis can be easily understood by the
12 average voter. The Legislative Analyst shall consider the
13 committee's recommendations, and he or she shall incorporate in
14 the analysis those changes recommended by the committee that
15 he or she deems to be appropriate. The Legislative Analyst is solely
16 responsible for determining the content of the analysis required
17 by this section.

18 (e) (1) The title and summary of any measure that appears on
19 the ballot shall be amended to contain a summary of the Legislative
20 Analyst's estimate of the net state and local government fiscal
21 impact.

22 (2) For state bond measures that are submitted to the voters for
23 their approval or rejection, the summary of the Legislative
24 Analyst's estimate described in paragraph (1) shall include an
25 explanatory table of the information in the summary.

26 SEC. 6. Section 13262 of the Elections Code is amended to
27 read:

28 13262. (a) The ballot shall contain the same material as to
29 candidates and measures, and shall be printed in the same order
30 as provided for paper ballots, and may be arranged in parallel
31 columns on one or more ballot cards as required, except that the
32 column in which the voter marks his or her choices may be at the
33 left of the names of candidates and the designation of measures.

34 (b) If there are a greater number of candidates for an office or
35 for a party nomination for an office than the number whose names
36 can be placed on one pair of facing ballot pages, a series of
37 overlaying pages printed only on the same, single side shall be
38 used, and the ballot shall be clearly marked to indicate that the list
39 of candidates for the office is continued on the following page or
40 pages. If the names of candidates for the office are not required to

1 be rotated, they shall be rotated by groups of candidates in a
2 manner so that the name of each candidate shall appear on each
3 page of the ballot in approximately the same number of precincts
4 as the names of all other candidates.

5 (c) Space shall be provided on the ballot or on a separate write-in
6 ballot to permit voters to write in names not printed on the ballot
7 when authorized by law. The size of the voting square and the
8 spacing of the material may be varied to suit the conditions
9 imposed by the use of ballot cards, provided the size of the type
10 is not reduced below the minimum size requirements set forth in
11 Chapter 2 (commencing with Section 13100).

12 (d) The statement of measure submitted to the voters may be
13 abbreviated if necessary on the ballot, ~~provided that if~~ each and
14 every statement of ~~measures~~ *measure* on that ballot is abbreviated.
15 ~~Abbreviation~~ Any *abbreviation* of matters to be voted on
16 throughout the state shall be composed by the ~~Attorney General~~
17 *Legislative Analyst*.

18 SEC. 7. Section 13282 of the Elections Code is amended to
19 read:

20 13282. Whenever the ~~Attorney General~~ *Legislative Analyst*
21 prepares a ballot label, the ~~Attorney General~~ *Legislative Analyst*
22 shall file a copy of the ballot label with the Secretary of State. The
23 Secretary of State shall make a copy of the ballot label available
24 for public examination ~~prior to~~ *before* the printing of the ballot
25 label on any ballot. The public shall be permitted to examine the
26 ballot label for at least 20 days, and the Secretary of State may
27 consolidate the examination requirement under this section with
28 the public examination requirements set forth in Section 9092. A
29 voter may seek a writ of mandate requiring a ballot label, or portion
30 thereof, to be amended or deleted. The provisions set forth in
31 Section 9092 concerning the issuance of the writ and the nature
32 of the proceedings shall be applicable to this section.

33 SEC. 8. Section 18602 of the Elections Code is amended to
34 read:

35 18602. ~~Any~~ A person working for the proponent or proponents
36 of a statewide initiative or referendum measure who covers or
37 otherwise obscures the summary of the measure prepared by the
38 ~~Attorney General~~ *Legislative Analyst* from the view of a
39 prospective signer is guilty of a misdemeanor.

1 SEC. 9. Section 88002 of the Government Code is amended
2 to read:

3 88002. The ballot pamphlet shall contain as to each state
4 measure to be voted upon, the following in the order set forth in
5 this section:

6 (a) (1) Upon the top portion of the first page and not exceeding
7 one-third of the page shall appear:

8 (A) The identification of the measure by number and title.

9 (B) The official summary prepared by the ~~Attorney General~~
10 *Legislative Analyst*.

11 (C) The total number of votes cast for and against the measure
12 in both the State Senate and Assembly if the measure was passed
13 by the Legislature.

14 (2) The space in the title and summary that is used for an
15 explanatory table prepared pursuant to paragraph (2) of subdivision
16 (e) of Section 9087 of the Elections Code and Section 88003 of
17 *this code* shall not be included when measuring the amount of
18 space the information described in paragraph (1) has taken for
19 purposes of determining compliance with the restriction prohibiting
20 the information described in paragraph (1) from exceeding
21 one-third of the page.

22 (b) Beginning at the top of the right page shall appear the
23 analysis prepared by the Legislative Analyst, provided that the
24 analysis fits on a single page. If it does not fit on a single page,
25 then the analysis shall begin on the lower portion of the first left
26 page and shall continue on subsequent pages until it is completed.

27 (c) Arguments for and against the measure shall be placed on
28 the next left and right pages, respectively, following the page on
29 which the analysis of the Legislative Analyst ends. The rebuttals
30 shall be placed immediately below the arguments.

31 (d) If no argument against the measure has been submitted, the
32 argument for the measure shall appear on the right page facing the
33 analysis.

34 (e) The complete text of each measure shall appear at the back
35 of the pamphlet. The text of the measure shall contain the
36 provisions of the proposed measure and the existing provisions of
37 law repealed or revised by the measure. The provisions of the
38 proposed measure differing from the existing provisions of law
39 affected shall be distinguished in print, so as to facilitate
40 comparison.

1 (f) The following statement shall be printed at the bottom of
2 each page where arguments appear: “Arguments printed on this
3 page are the opinions of the authors and have not been checked
4 for accuracy by any official agency.”

5 SEC. 10. The Legislature finds and declares that this bill
6 furthers the purposes of the Political Reform Act of 1974 within
7 the meaning of subdivision (a) of Section 81012 of the Government
8 Code.

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